

KRAMER LEVIN NAFTALIS & FRANKEL LLP

JAN 29 2008

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January 29, 2008

BY HAND

Honorable Richard M. Berman
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Courtroom 14A
New York, New York 10007

Re: **Poggi v. Virgin Entertainment, Inc. et al**
07 CV 9857 (RMB)

Dear Judge Berman:

MEMO ENDORSED

PR

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1-30-08

We represent Virgin Entertainment ("Virgin") in connection with the above-captioned matter. The parties appeared before Your Honor yesterday at a scheduled conference at 9:15 am.

We indicated at the conference that any claims plaintiff seeks to assert arising out of his employment relationship with Virgin, including the claims asserted in the Complaint he has filed in connection with this action, are governed by a binding arbitration agreement. A copy of a letter we recently sent to plaintiff, asking him to withdraw his claims in favor of arbitration, along with the applicable arbitration agreement, is enclosed. We further indicated that in light of plaintiff's refusal to do so, Virgin would like to move to compel plaintiff's claims to arbitration.

Your Honor took note of this and referred this matter to mediation. The parties contacted the Office of Mediation Services immediately after our court conference and spoke to Ms. Maria Sclafani of that office, who indicated that the mediation would be scheduled after the Office of Mediation Services received Your Honor's Referral Order-- she estimated that the mediation would take place sometime in March 2008.

Because defendants' time to answer, move or otherwise respond to the Complaint currently expires on February 11, 2008, and in light of the fact that defendants seek to move to compel Plaintiff's claims to arbitration, we respectfully request that (1) defendants' time to answer, move or otherwise respond to the Complaint be extended to a date 20 days after the mediation (or, in the alternative, to April 15, 2008, as a control date), and (2) Your Honor grant defendants leave to file a motion to compel arbitration at that time.

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Please feel free to contact me or Kevin Leblang, a member of this firm (212.715.9306), if we can provide further information.

Respectfully submitted,

Izabel P. McDonald
Izabel P. McDonald

Encl.

cc: Pietro Poggi
Plaintiff, *pro se* (by hand) (w/encl.)

<p><u>Status conference on 4/15/08</u></p> <p><u>① 9:15 A.M. No need to file</u></p> <p><u>anything before then + time to</u></p> <p><u>move, answer, etc. is stayed.</u></p> <p><u>WORK HARD IN MEDIATION.</u></p>	
<p>SO ORDERED:</p> <p>Date: <u>1/30/08</u></p> <p><i>Richard M. Berman</i> Richard M. Berman, U.S.D.J.</p>	